

REMARKS

Claims 1-50, 53 and 56-61 are pending in this application. By this Amendment, claims 1, 4, 8, 9, 15, 16, 20, 27-29, 40, 43 and 46-48 are amended, claims 60 and 61 are added, and claims 51, 52, 54 and 55 are canceled without prejudice or disclaimer of the subject matter recited therein. Support for the amendments to the claims and for the new claim can be found in the specification, for example, at paragraphs [0054] - [0063]. No new matter is added.

The Office Action asserts that claims 40-58 are substantial duplicates of claims 1-19, and will objected to under 37 C.F.R. §1.75 as being a substantial duplicate thereof. The potential objection is moot in view of the amendments to claim 40, from which claims 41-50, 53 and 56-58 depend.

The Office Action rejects claims 1-7, 12, 13, 15-20, 23-27, 31, 32, 33, 40-46, 51, 52 and 54-58 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,385,821 to O'Dell et al. (hereinafter "O'Dell"). The Office Action rejects claims 8-11, 28, 29, 34, 35 and 47-50 under 35 U.S.C. §103(a) as being unpatentable over O'Dell in view of U.S. Patent No. 4,530,816 to Douglas-Hamilton or U.S. Patent No. 3,810,367 to Peterson. The Office Action, rejects claims 14, 38, 39 and 53 under 35 U.S.C. §103(a) as being unpatentable over O'Dell in view of U.S. Patent No. 3,713,302 to Reviel. The Office Action rejects claims 22, 36 and 37 under 35 U.S.C. §103(a) as being unpatentable over O'Dell in view of EP 0 376 763 to McKelvey et al. (hereinafter "McKelvey"). The Office Action rejects claim 21 under 35 U.S.C. §103(a) as being unpatentable over O'Dell in view of McKelvey and International Patent Publication No. WO 96/29865 to Fahy et al. (hereinafter "Fahy"). The rejection of canceled claims 51, 52, 54 and 55 is moot, and the rejections of claims 1-50, 53 and 56-58 are respectfully traversed.

O'Dell does not disclose a compartment within the transporter having one or more heat transfer surfaces arranged on an outer surface of the compartment to transfer heat between a cooling source contained within the compartment and at least a part of one of the one or more heat transfer surfaces of the portable housing, the compartment being liquid-tight and preventing contact between a liquid contained within the compartment and the portable housing, as recited in independent claim 1, and as similarly recited in independent claim 40. Further, O'Dell does not teach placing the portable housing containing the organ or tissue in a compartment of a transporter configured to receive the portable housing, the compartment having one or more heat transfer surfaces arranged on an outer surface of the compartment, the compartment being liquid-tight and preventing contact between a liquid contained within the compartment and the portable housing, as recited in independent claim 20.

O'Dell merely discloses a chamber 96 that includes a perforated barrier 110 surrounding the tissue preservation device 98, which is fitted within a pocket 108. A plurality of cold packs 106 line the perimeter of the perforated barrier. See, e.g., col. 8, line 36 - col. 9, line 6. However, the perimeter that includes the plurality of cold packs is not liquid-tight so as to prevent contact between a liquid contained within the perimeter and the tissue preservation device, for example, when the chamber is tipped over. As shown in Figure 10 of O'Dell, the perforated barrier is not structured to prevent a liquid from the plurality of cold packs within the perimeter from entering the pocket 108 and contacting the tissue preservation device. Thus, O'Dell does not disclose a compartment being liquid-tight and preventing contact between a liquid contained within the compartment and the portable housing, as recited in independent claims 1, 20 and 40.

Furthermore, O'Dell does not disclose wherein the portable housing includes a handle that is accessible when the portable housing is mated with the compartment and tubing that is

configured to be mated with the portable housing when the portable housing is removed from the compartment, as recited in independent claim 40.

The Office Action asserts with respect to the rejection of claims 15, 16, 31, 54 and 55, that "element (35) of O'Dell et al. is capable of functioning as a handle and is accessible when the housing is mated with the container (See Figures 9 and 10)." However, element 35 of O'Dell corresponds to a gas inlet tube. See, e.g., col. 7, lines 20-23. There is no disclosure in O'Dell that asserts that the gas inlet tube can be used as a handle. Furthermore, the gas inlet tube of O'Dell is not capable of functioning as a handle, because of the risk of contamination of the tissue, i.e., if the gas inlet tube separates from the chamber as a result of the weight of the chamber, the tissue will no longer be sterile. Thus, O'Dell does not disclose the handle as recited in claim 1.

Furthermore, the other applied references do not remedy the above-described deficiencies of O'Dell.

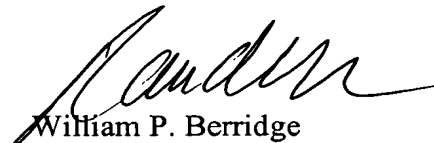
Thus, for at least these reasons, independent claims 1, 20 and 40 are patentable over the applied references. Further, claims 2-19, 21-39, 41-50, 53 and 56-58, which respectively depend from claims 1, 20 and 40, are also patentable over the applied references for at least the reasons discussed above, as well as for the additional features they recite. For example, none of the applied references teaches or renders obvious the features of claims 15, 16 and 31 for at least the reasons discussed above with respect to claim 40. Withdrawal of the rejections is thus respectfully requested.

Further, although the Office Action indicates claim 59 as rejected on the Office Action Summary, claim 59 was not included in the rejections listed in the Office Action. Thus, claim 59, as well as new claims 60-63, are also patentable over the applied references for at least the reasons discussed above, as well as for the additional features they recite.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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